WRITTEN OFFICE ACTION OF THE INTERNATIONAL SEARCH AGENCY (INSERT)

International File No.

PCT/AT2004/000282

Ad Item V

Reference is made to the following documents:

D1: US-A-4 549 554 (MARKHAM CHARLES W) October 29, 1985 (1985-10-29)
D2: US-A-5 655 541 (VATTUONE JOHN R) August 12, 1997 (1997-08-12)
D3: WO 93/22971 A (BOSTON SCIENT CORP) November 25, 1993 (1993-11-25)
D4: US-A-5 060 658 (DEJTER JR STEPHEN W ET AL) October 29, 1991 (1991-10-29)

1. The subject of claim 1 is not inventive (Article 33(3) PCT).

Documents D1 and D2 disclose as the closest state of the art a device for needle biopsy according to the preamble the [sic - of - Tr.Ed.] claim 1. Such devices are described on page 1 of the application. Furthermore, these devices also have ventilation means (D1: (34) / D2: (46)) for the interior of the syringe cylinder. The subject of the independent claim 1 differs from this in that a plurality of biopsy needles are provided, whose channels open into the interior of the syringe cylinder.

It is achieved as a result that a plurality of specimens can be taken from a tissue area, and the stress for the patient is lower than in case of a plurality of sequential punctures (cf. page 1, last paragraph, and page 3, paragraphs 2-4). It is generally known to the person skilled in the art that a device with a plurality of biopsy needles is used for needle biopsy in order to circumvent the above-mentioned problem. This becomes clear, e.g., from D3, which corresponds to US 5,415,182 cited by the application. D3 describes on page 2, line 9 to page 4, line 2 that such devices are used to take a plurality of specimens simultaneously from areas exactly defined in space, in which case the stress for the patient is lower than in case of taking the specimens sequentially with only one needle, which also cannot be performed with such a high accuracy relative to one another.

2. The additional features of the claims do not seem to be suitable for being able to lead to an inventive subject (Article 33(3) PCT). The features are either generally obvious, suggested by D3 or D4, or it cannot be recognized what technical object they accomplish.

Claims 2, 3:	The depth of penetration is also limited in D3 by a stop means (106), which is designed as a spacer with holes for the needles.
Claim 4:	A unit of specimen containers as such is not inventive, either, because such units are generally known from chemical analysis for receiving specimens from pipetting means.
Claim 9:	A protective sleeve in needle apparatuses, of course, for all needles, is obvious.
Claims 10, 11:	Filter means between the needle openings and the interior of the syringe cylinder are known from D4 (filter (653) and (22)) and suggested by it.
Claims 12-17:	Ventilation means for the syringe cylinder are already known from the documents D1 and D2. Whether the special embodiments according to claims 12, 15 and 16 are based on inventive activity is unclear because it cannot be recognized which objective technical object could thus be achieved. This also applies to claim 17.

3. The subjects of claims 5-8 seem to meet the requirements of the PCT.

A specimen container unit that can be attached by plugging to the syringe cylinder, where a groove-and-web arrangement on the specimen container and the cylinder makes possible a noninterchangeable association of the individual needles with the specimen containers, is neither known from nor suggested by the state of art. It is achieved with such an arrangement that the contents of each needle will always enter a certain, unambiguously associated specimen container, so that the specimens cannot be mixed up.

Additional Remark:

1. The features known from the closest state of the art (**D1**) should have been listed in the preamble (Rule 6.3(b)(i) PCT) of claim 1 (Rule 6.3(b)(ii) PCT).